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Message Text

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12
ACTION EUR-25

INFO OCT-01 ISO-00 SCA-01 VO-03 L-03 CIAE-00 INR-11

NSAE-00 RSC-01 SCS-03 DRC-01 /049 W
---------- 062727
R 140617Z AUG 74
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC 0541

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EO 11652: N/A
TAGS: PFOR, CGEN, PL
SUBJECT: DIVIDED FAMILIES

1. SUMMARY. MFA HAS REPLIED TO THREE DIVIDED FAMILIES NOTES ON CASE-BY-CASE BASIS. OF 288 CASES SUBMITTED, 45 WERE APPROVED, NO ACTION WAS TAKEN ON 100 SINCE NO APPLICATIONS WERE CURRENTLY PENDING, AND 112 WERE REFUSED. REMAINING 31 WERE SPREAD AMONG VARIOUS CATEGORIES.

GOP WAS CLEARLY MORE FORTHCOMING ON CASES WHERE AMCIT SPONSORES ARE RESIDING IN US. PROBLEM OF GOP NON-RECOGNITION OF CONCEPT OF DUEAL NATIONALITY CLEARLY AFFECTED RESPONSE IN CASES WHERE AMCIT SPONSOR WAS DUAL NATIONAL AND RESIDING WITH FAMILY IN POLAND. WHILE FINAL EVALUATION OF GOP RESPONSE NOT POSSIBLE YET, EMBASSY EMBASSY ENCOURAGED THAT APPROVAL GIVEN IN 45 CASES WHICH, BASED ON PREVIOUS EXPERIENCE OF APPLICANTS, WOULD OTHERWISE HAVE BEEN REFUSED.

2. DURING CONVERSATION AMBASSADOR DAVIES HAD WITH MFA VICE MINISTER SPASOWSKI ON AUGUST 2, SPASOWSKI SUMMARIZED RESULTS OF MFA REPLIES TO EMBASSY NOTES C-13, C-15 AND C-20
CONCERNING DIVIDED FAMILIES. SPASOWSKI SAID THAT MFA CONSULAR DEPARTMENT WAS PREPARED TO GIVE DETAILED REPLIES ON CASE-BY-CASE BASIS

DURING FOLLOWING WEEK. AFTER REPEATED CALLS, CHIEF OF CONSULAR SECTION

WAS FINALLY ABLE TO ARRANGE FOR MEETING ON AUG 9 WITH CONSULAR DEPART-

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MENT VICE DIRECTOR BIALY.

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3. BIALY OPENED MEETING WITH GENERAL STATEMENT THAT GOP HESITANT TO ISSUE EMIGRANT PASSPORTS IF : (A) PERSON IN US WHO SUPPLIES LETTER OF INVITATION IS DISTANT RELATIVE (E.G., COUSIN, AUNT/UNCLE, IN-LAW BY MARRIAGE); OR (B) IF DIVIDED FAMILIES WOULD RESULT(E.,G., IF AN ELDERLY PARENT WOULDBE LEFT BEHIND ALONE IN POLAND). BIALY THEN PROCEEDED TO GIVE MFA REPLIES ON CASE-BY-CASE BASIS. SUMMARY FOLLOWS.

NUMBER OF CASES	NOTE NO.: C-13	C-15	C-20	TOTALS
A) EMIGRATION PASSPORTS APPROVED	11	33	01	45
B) NO APPLICATION CURRENTLY PENDING	31	54	15	100
C) REFUSED-INSUFFICIENT BASIS FOR ISSUANCE	25	59	28	112
D) NEVER APPLIED FOR EMIGRATION PASSPORT	2	7	4	13
E) ON TEMPORARY STAY IN US	3	6	-	9
F) DECIDED NOT TO EMIGRATE	2	2	-	4
G) TOURIST PASSPORT APPROVED	-	1	1	2
H) SPONSOR HAS RETURNED TO POLAND	-	-	2	2
I) NOT POLISH CITIZEN	-	1	-	1
TOTALS	74	163	51	288

EMBASSY WILL MAKE FOLLOWUP CONTACTS ON INDIVIDUAL BASIS WITH AMCIT SPONSORS AND THEIR RELATIVES IN POLAND.

4. DESPITE RATHER LOW PERCENTAGE OF APPROVALS (CIRCA 15 PERCENT FOR C-13, 20 PERCENT FOR C15 AND 2 PERCENT FOR C-20), THERE IS STILL POSSIBILITY THAT APPROVALS MAY BE FORTHCOMING FOR THOSE CASES WHERE MFA REPLY WAS "NOT APPLICATION CURRENTLY PENDING". BASIS FOR THIS VIEW IS STATEMENT BY SPASOWSKI TO AMBASSADOR DAVIES ON AGU 2 THAT IF THESE INDIVIDUALS APPLY ANEW, THEIR CASES WOULD BE PROMPTLY DECIDED AND IN NEARLY ALL INSTANCES, APPROVAL WOULD BE GIVEN. HOWEVER, WHEN CHIEF OF CONSULAR SECTION TRIED TO OBRAIN CONFIRMATION WITHOUT SPECIFICALLY REFERRING TO SPASOWSKI ASSOURCE, BIALY WOULD ONLY GO SO FAR AS TO SAY THAT NEW APPLICATIONS WOULD BE DECIDED ON MERIT. IT IS NOT CLEAR TO EMBASSY WHETHER BIALY NOT PRIVY TO HIGHER LEVEL DECISION OR MERLY TAKING MORE GUARDED STANCE. EMBASSY WILL ADVISE AMCIT

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SPONSORS AND RELATIVES OF NEED FOR NEW APPLICATIONS AND WILL KEEP CLOSE TRACK OF ULTIMATE DISPOSITION OF THESE CASES.

5. WITH REGARD TO THOSE CASES WHICH WERE REFUSED, EMBASSY PROPOSES TO ADVISE APPLICANT IN POLAND TO KEEP TRYING. WHILE BIALY REFUSED TO BE DRAWN OUT ABOUT DETAILS FOR REFUSALS, HE DID REFER TO HIS OPENING POINTS AND SAID THAT IN SOME CASES, REFUSALS MAY HAVE BEEN RELATED TO FACT THAT UNDER POLISH LAW, SPONSOR IN US WAS CONSIDERED

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POLISH CITIZEN ILLEGALLY RESIDING ABROAD. THIS IS SAME LINE TAKEN AT
MAY 30 MEETING
WHEN BIALY GAVE TO THE EMBASSY THE MFA'S REPLIES TO A LIST O
DIVIDED FAMILIES WE HAD SUBMITTED ON JANUARY 2. THIS TIME, HOWEVER,
BIALY WENT SOMEWHAT FURTHER. IN REPLY TO QUESTION,HE SAID THAT
IN SUCH CASES, IF PERSON IN U.S. NORMALIZES HIS STATUS WITH GOP VIA
POLISH EMBASSY OR CONSULATES IN U.S. BY OBTAINING A CONSULAR PASSPORT
OR AN APPROVAL OF HIS RENUNCIATION OF POLISH CITIZENSHIP, IT WAS
REASONABLE TO ASSUME THAT SUBSEQUENT
APPLICATION FOR EXIT DOCUMENTATION BY RELATIVE IN POLAND WOULD BE
RECEIVED MORE FAVORABLY. EMBASSY WILL BRING THIS ASPECT TO
ATTENTION OF U.S. SPONSORS AND THEIR RELATIVES DURING FOLLOWUP
CONTACTS.

6. IT IS CLEAR ALSO THAT GOP DREW BASIC DISTINCTION BETWEEN
CASES IN WHICH AMCIT SPONSOR IS RESIDENT IN U.S. (NOTES C-13 AND
C15) AND OTHERS IN WHICH AMCIT SPONSOR IS RESIDENT IN POLAND (NOTE
C-20). THE LATTER CASES PRESENT DECIDEDLY MORE COMPLEX PROBLEM
SINCE DUAL NATIONALITY IS INVOLVED IN ALMOST ALL CASES. IN THIS
CONNECTION, BIALY SAID THAT GOP DIES NOT RECOGNIZE CONCEPT OF
DUAL NATIONALITY. HE SAID THAT FACT THAT POLISH CITIZEN MIGHT ALSO
BE AMCIT UNDER U.S. LAW WAS NOT TAKEN INTO CONSIDERATION WHEN
EVALUATING APPLICATIONS FOR EMIGRATION PASSPORTS.
WHILE BIALY'S OPENING STATEMENTS NO DOUBT REFLECT STANDARD POLISH
PRACTICE CONCERNING ISSUANCE OF EXIT DOCUMENTATION, ESPECIALLY IF
EXIT IF FOR PURPOSE OF EMIGRATION, IT APPEARS THAT GOP IS SOMEWHAT
TOUCHY CONCERNING DUAL NATIONALS ESPECIALLY WHEN THE DUAL NATIONAL AND

HIS FAMILY ARE BOTH RESIDING IN POLAND. EMBASSY WOULD
APPRECIATE DEPARTMENT'S ADVICE ON FOLLOWUP APPROACH TO BE TAKEN
CONCERNING DUAL NATIONALS.

7. EMBASSY COMMENT. EVALUATION OF POLISH RESPONSIVENESS
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WILL ULTIMATELY DEPEND ON FINAL ACTION TAKEN ON LARGE
NUMBER OF CASES FOR WHICH NO APPLICATION WAS CURRENTLY PENDING.
NEVERTHRELESS, EMBASSY IS ENCOURAGED TO SEE THAT APPROVALS HAVE BEEN
GIVEN IN 45 CASES WHICH, BASED ON PREVIOUS EXPERIENCE OF
APPLICANTS, WOULD OTHERWISE HAVE BEEN REFUSED.
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